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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,071	08/22/2003	Steven A. Deal	INDYM.004A	8448
20995	7590	05/09/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			DUNHAM, JASON B	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,071	Applicant(s) DEAL, STEVEN A.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenney (U.S. Patent No. 6,381,583).

Referring to claim 1. Kenney discloses a merchandise locating system, the system comprising:

- A display configured to present a graphical mapped image of a merchandise environment (Kenney: abstract & figure 4);
- An input module configured to accept a user input and a desired merchandise selection (Kenney: column 1, line 66 – column 2, line 12); and
- A user accessible computer coupled to the display and the input module, and configured to determine a portion of the graphical mapped image corresponding to the user input and to control the display to present a lower level graphical image corresponding to the portion of the graphical mapped image, the user accessible computer further configured to determine a location in a store of an

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item corresponding to the desired merchandise selection (Kenney: column 2, lines 25 – 65, column 10, lines 5-17, and figure 8).

Referring to claim 2. Kenney further discloses a system comprising an output module coupled to the user accessible computer, and configured to provide an output identifying the location in the store of the desired item (Kenney: figure 10b).

Referring to claim 5. Kenney further discloses a system comprising:

- A network coupled to the user accessible computer (Kenney: figure 2);
- A database (Kenney: column 1, line 66 – column 2, line 12); and
- A back-end computer coupled to the network and the database, and configured to receive an identity of the portion of the graphical mapped image from the user accessible computer and retrieve from the database the lower level graphical image, the back-end computer communicating the lower level graphical image to the user accessible computer using the network (Kenney: figures 2 & 8).

Referring to claim 6. Kenney further discloses a system wherein the display comprises a device selected from the group consisting of a monitor, a CRT, an LCD, a touch panel, and a projection screen (Kenney: column 6, line 60 – column 7, line 29).

Referring to claim 7. Kenney further discloses a system wherein the input module comprises a device selected from the group consisting of a keyboard, a mouse, a touch pad, a joystick, a track ball, a pointer, and a pen (Kenney: column 6, line 60 – column 7, line 29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 8-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (U.S. Patent No. 6,381,583) in view of Hoffman (U.S. Patent Application Publication No. 2002/0178013).

Referring to claims 3-4. Kenney discloses all of the above as noted under the 102 rejection but does not expressly disclose generating and outputting a hard copy of a map identifying the location of an item in a store. The examiner notes that Kenney does disclose a product locator and generating a product list organized by location (Kenney: column 1, lines 40 – 56). Hoffman discloses a merchandise locating system wherein the user accessible computer is configured to generate a map identifying the location in the store of the item (Hoffman: abstract), and wherein the display present an image of the map to the user (Hoffman: paragraph 25) or the output module outputs a hardcopy of the map (Hoffman: paragraph 25). It would have obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Kenney to have included generating and outputting a hard copy of a map identifying the location of an item in a store, as taught by Hoffman, in order to better guide a customer to the location of a specific product (Hoffman: abstract).

Referring to claims 8-9. Claims 8-9 are rejected under the same rationale set forth above.

Referring to claim 10. The combination of Kenney and Hoffman further discloses a system wherein the means for outputting the map comprises a device selected from the group consisting of a printer, a plotter, and an electronic output device (Hoffman: paragraph 8).

Referring to claims 11-16. Claims 11-16 are rejected under the same rationale set forth above. The combination of Kenney and Hoffman discloses a method according to claims 11-16.

Referring to claim 17. The combination of Kenney and Hoffman further discloses a method for graphically locating merchandise, the method comprising:

- Displaying a first graphical mapped image on a display, the first graphical image chosen from a hierarchy of graphical mapped images (Kenney: figures 6-8);
- Receiving a first user input corresponding to a portion of the first graphical image (Kenney: column 1, line 66 – column 2, line 12 and figures 6-8);
- Determining a second graphical mapped image from the hierarchy of graphical images based in part on the first user input, the second graphical mapped image corresponding to a detailed image of the portion of the first graphical image (Kenney: column 1, line 66 – column 2, line 12 and figures 6-8);
- Receiving a second user input corresponding to a portion of the second graphical mapped image (Kenney: column 10, lines 5 –36 and figures 8-9); and

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- Creating a map locating merchandise in a store based on the second user input (Hoffman: abstract). It would have obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Kenney to have included generating a map identifying the location of an item in a store, as taught by Hoffman, in order to better guide a customer to the location of a specific product (Hoffman: abstract).

Referring to claims 18-19. Claims 18-19 are rejected under the same rationale set forth above.

Referring to claim 20. The combination of Kenney and Hoffman further discloses a method wherein creating the map locating merchandise in the store comprises:

- Determining the portion of the second graphical mapped image corresponding to the second user input (Kenney: column 10, lines 5 –36 and figures 8-9);
- Determining merchandise corresponding to the portion of the second graphical mapped image (Kenney: column 10, lines 5 –36 and figures 8-9);
- Determining an identifier corresponding to the merchandise (Kenney: column 10, lines 5 –36 and figures 8-9); and
- Determining a location of the merchandise based in part on the identifier (Kenney: column 10, lines 5 –36 and figures 8-9);

Referring to claim 21. The combination of Kenney and Hoffman further discloses a method wherein the identifier comprises a SKU (Hoffman: paragraph 47).

Referring to claim 22. Claim 22 is rejected under the same rationale set forth above. The combination of Kenney and Hoffman discloses a storage medium according to claim 22.

Referring to claim 23. The combination of Kenney and Hoffman further discloses a method of graphically identifying merchandise for purchase (Kenney: column 1, lines 40-56) comprising:

- Displaying a first graphical mapped image of a merchandise environment on a display, the first graphical image of the merchandise environment chosen from a hierarchy of graphical mapped images (Kenney: figures 6-8);
- Receiving a first user input corresponding to a portion of the first graphical image of the merchandise environment (Kenney: column 1, line 66 – column 2, line 12 and figures 6-8);
- Determining a second graphical mapped image from the hierarchy of graphical images based in part on the first user input, the second graphical mapped image corresponding to a detailed image of the portion of the first graphical image of the merchandise environment (Kenney: column 1, line 66 – column 2, line 12 and figures 6-8);
- Displaying the second graphical mapped image (Kenney: figures 8-9);
- Receiving a second user input corresponding to a portion of the second graphical mapped image (Kenney: column 10, lines 5 –36 and figures 8-9); and
- Receiving a request to purchase an item corresponding with the portion of the second graphical image (Kenney: column 4, lines 4-23).

Referring to claims 24-25. Claims 24-25 are rejected under the same rationale set forth above.

Referring to claims 26-27. Claims 26-27 are rejected under the same rationale set forth above. The combination of Kenney and Hoffman discloses a method that is applicable to any merchandise environment in which a customer wishes to locate a particular product (Kenney: column 4, lines 43 – 63). Furthermore, the combination of Kenney and Hoffman discloses using multiple lower level merchandise environments, as discussed above. The selection from a group consisting rooms in a residential home is not patently distinct over the methods disclosed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Chu (U.S. Patent Application Publication No. 2002/0174021) discloses systems and method for optimizing a shopping list.
- Owens (U.S. Patent Application Publication No. 2003/0004831) discloses systems and methods for interactively shopping for groceries.
- Matsumori (U.S. Patent Application Publication No. 2004/0222302) discloses systems and methods for using a mobile personal shopping terminal.
- Roslak (U.S. Patent No. 7,010,501) discloses systems and methods for a personal shopping system in a retail environment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "JBD" followed by a stylized flourish.

JBD
Patent Examiner
5/4/06